THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7437 of 2007

Dated:12.04.2007

Between:

V.Narasimhulu.

… Petitioner

AND

The District Collector and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7437 of 2007

ORDER:

The petitioner is statedly adopted son of Smt.M.Munemma, W/o.Ramulu. She was the owner of agricultural land admeasuring Acs.13.17 guntas in Survey Nos.142, 143, 145 and 146 situated at Boyapalli Village of Shivar Mandal in Mahabubnagar District. She expired in 2003. Thereafter, the petitioner succeeded to the property and enjoying the same, as stated in the affidavit. It appears, the third respondent herein submitted an application before the second respondent claiming that he is the real brother of Munemma and entitled to succeed to the property. One G.Veeresham, S/o.Prakash, also filed another application on 08.10.2005 alleging that Munemma executed a Will in his favour bequeathing the property. When the matter was pending before the second respondent, Veeresham and Viswanatham agreed that they compromised the matter. Considering the same, by proceedings dated 25.03.2006, the second respondent ordered to record the name of the third respondent as pattadar in the record of rights. Aggrieved by the same, the petitioner preferred a revision petition before the Joint Collector under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, and the same is pending. In this Writ Petition virtually a direction is sought to the Joint Collector to dispose of the said revision petition.

Though the learned Counsel for the petitioner refers to the suit filed by the petitioner, being O.S.No.74 of 2003, and the *ad interim* injunction granted by the Court of the Senior Civil Judge, Mahabubnagar, in I.A.No.280 of 2003, in view of the pendency of the revision petition before the Joint Collector, this Court is not inclined to accept the Writ Petition. It is well settled that when the aggrieved person avails statutory remedy, a Writ Petition, as a parallel proceedings would not lie. Therefore, this Court observes that the Joint Collector/District Collector, Mahabubnagar, shall dispose of the revision petition filed by the petitioner against the orders of the Mandal Revenue Officer in File No.C/ROR/22610/2005, dated 25.03.2006, within a period of eight weeks from the date of receipt of a copy of this order, after issuing

notice to the petitioner, the third respondent and all other interested parties.

The Writ Petition is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

12.04.2007
vs